

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

MICHELLE LEDUC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. 4:15-cv-2276
	§	
GC SERVICES, LP,	§	
	§	
Defendant.	§	

**COMPLAINT**

MICHELLE LEDUC (“Plaintiff”), through her attorneys, alleges the following against GC SERVICES, LP (“Defendant”):

**INTRODUCTION**

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

**JURISDICTION AND VENUE**

2. Subject matter jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts giving rise to this action occurred in this district as Defendant conducts business in this district.

**PARTIES**

4. Plaintiff is a natural person residing in Alleghany County in Clifton Forge, Virginia.

5. Plaintiff owes or allegedly owes a debt as that term is defined by 15 U.S.C. § 1692a(5) and is a consumer as that term is defined by 15 U.S.C. § 1692a(3).

6. Defendant is a business entity incorporated in Delaware with an office located at 6330 Gulfton St, Houston, Texas 77081.

7. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection and is a debt collector as that term is defined by 15 U.S.C. § 1692a(6).

8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

9. Prior to the filing of this action, an account was placed with Defendant to collect funds from Plaintiff which were alleged to be owed and past due (“debt”).

10. The alleged debt arises from transactions placed on a credit card which were for personal purposes.

11. Defendant started placing telephone calls to Plaintiff in January 2015 to attempt to collect the alleged debt.

12. In connection with the collection of the alleged debt, Defendant placed a telephone call to Plaintiff and left the following voice message:

Hi Michelle Leduc, this is Michelle Childs, please give me a call back at 866-749-7274 extension 6143. Thank you.

13. The purpose of the aforementioned voice message was to attempt to collect the alleged debt.

14. In connection with the collection of the alleged debt, Defendant placed a telephone call to Plaintiff and left the following voice message:

Hi Michelle Leduc, this is Kyle (inaudible), please give me a call back at 866-749-7275. Thank you.

15. The purpose of the aforementioned voice message was to attempt to collect the alleged debt.

16. Defendant did not, through its messages, disclose Defendant's identity.

17. Defendant did not, through its messages, state its name.

18. Defendant did not, through its messages, state its agents' duties, role or position.

19. Defendant did not, through its messages, state the nature of its business.

20. Defendant did not, through its messages, disclose that it was a debt collector.

21. Defendant did not, through its messages, disclose that the purpose of its calls was to collect a debt.

22. Defendant, through its messages, withheld its name to deceive Plaintiff as to Defendant's true identity.

23. Defendant, through its messages, withheld the nature of its call to deceive Plaintiff as to Defendant's true purpose to collect funds from Plaintiff.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

24. Defendant violated the FDCPA based on the following:

- a. Defendant violated § 1692d(6) of the FDCPA by failing to provide Plaintiff with its identity in its messages for Plaintiff; and
- b. Defendant violated § 1692e(11) of the FDCPA by failing to disclose in its messages that it is a debt collector.

WHEREFORE, Plaintiff, MICHELLE LEDUC, respectfully requests judgment be entered against Defendant, GC SERVICES, LP, for the following:

25. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

26. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and

27. Awarding such other and further relief as may be just, proper and equitable.

RESPECTFULLY SUBMITTED,

DATED: August 7, 2015

KROHN & MOSS, LTD.

By: /s/ Ryan Lee

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